

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:19-cv-00048-MR**

JAMES ANTHONY BARNETT, JR.,)
)
Plaintiff,)
)
vs.)
)
JEFFREY DEAN PATANE, et al.,)
)
Defendants.)
)

)

ORDER

THIS MATTER is before the Court on the North Carolina Department of Public Safety's ("NCDPS") sealed Notice [Doc. 20], informing the Court that it has been unable to procure a waiver of service of process for Defendants Jeffrey Dean Patane, Keisha W. O'Keefe, and Tamara L. Allen.

NCPLS represents that Defendant Patane is not an employee of NCDPS from whom an executed waiver of service could be obtained and that Defendants Allen and O'Keefe are no longer employed with NCDPS. NCDPS has provided the Defendants' last known addresses under seal. [Doc. 20].

The Clerk will be directed to notify the U.S. Marshal that Defendants Patane, O'Keefe, and Allen need to be served with the summons and Second Amended Complaint [Doc. 26] in accordance with Rule 4 the Federal

Rules of Civil Procedure. If Defendants cannot be served at the addresses provided by the NCDPS, the U.S. Marshal shall be responsible for locating their home addresses so that they may be served. See 28 U.S.C. § 1915(d) (in actions brought *in forma pauperis* under § 1915(d), “[t]he officers of the court shall issue and serve all process, and perform all duties in such cases”); Fed. R. Civ. P. 4(c)(3) (“At the plaintiff’s request, the court may order that service be made by a United States Marshal or deputy marshal or by a person specially appointed by the court. The court must so order if the plaintiff is authorized to proceed *in forma pauperis* under 28 U.S.C. § 1915....”).

If the U.S. Marshal is unable to obtain service on Defendants, the U.S. Marshal shall inform the Court of the reasonable attempts to obtain service. The U.S. Marshal shall not disclose Defendants’ home addresses to the *pro se* incarcerated Plaintiff and shall file any document containing such address under seal.

IT IS THEREFORE ORDERED that:

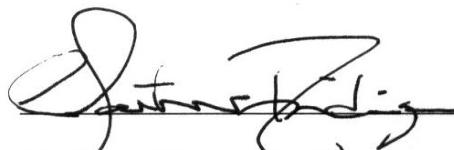
- (1) The U.S. Marshal shall use all reasonable efforts to locate and obtain service on **Defendants Jeffrey Dean Patane, Keisha W. O’Keefe and Tamara L. Allen**. If the U.S. Marshal is unable to

obtain service on Defendants, the U.S. Marshal shall inform the Court of the reasonable attempts to obtain service.

- (2) The Clerk is respectfully instructed to mail a copy of the Second Amended Complaint [Doc. 26], the Sealed Notice containing Defendants' last known addresses [Doc. 20], and this Order to the U.S. Marshal.

IT IS SO ORDERED.

Signed: April 29, 2020



Martin Reidinger
United States District Judge

